

Appl. No. 10/654,990
Amendment dated: May 10, 2006
Reply to OA of: January 10, 2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 15. This sheet, which includes Figure 15, replaces the original sheet including Figure 15.

Attachment: Replacement Sheet

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REMARKS

This is in response to the Official Action of January 10, 2006.

Applicants acknowledge with appreciation the courtesy of the interview extended the Applicants' representative by Examiner Bumgarner, the Examiner in charge of this application. At the interview, the outstanding rejections, the specification, the drawings and the claims of the instant application were discussed. Applicants' representative began by requesting the Examiners' assistance in revising claims 3 and 7, which are currently rejected under 35 U.S.C. §101 as claiming non-statutory subject matter. Applicants' representative suggested amending claim 3 and 7 to recite "connection portions for being attached" in place of "connection portions are attached" and the Examiner agreed that this amendment would likely overcome the rejections. However, it was also noted that such an amendment to claims 3 and 7 would likely result in claims 3 and 7 failing to further limit claims 1 and 5, respectively, and therefore Applicants' representative agreed to consider canceling these claims.

The remainder of the interview was spent discussing the §112, first paragraph rejection of claims 1, 3-5, 7 and 8. Applicants' representative attempted to show the Examiner how the drawings of the invention disclose the claimed feature of "said connection portions extend horizontally along the entire surface of the restoration tooth to which they extend from". However, the Examiner expressed her opinion that the drawings were not clear enough to support the claimed feature. Applicants' representative respectfully disagreed and ultimately no agreement was reached between the Examiner and Applicants' representative.

In light of the Interview with the Examiner and careful consideration of the outstanding Official Action, Applicants have amended the application.

First, with respect to the claims, Applicants have canceled claims 3 and 7. Accordingly, the 35 U.S.C. §101 of claims 3 and 7 is moot and should therefore be withdrawn.

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With respect to the drawings, Applicants have amended Figure 15 to correct an obvious error in the reference numerals. Reference numeral 10' has been replaced with reference numeral 10 in order to correctly label the cross section illustration taken from the line A-A in Figure 14.

With respect to the specification, Applicants have amended the specification in order to more clearly and accurately describe Figure 14 and 15. The new paragraphs which have been added to the specification present a more complete and accurate description of what is clearly shown in Figures 14 and 15. As the new paragraphs provide description for only those features which are obviously depicted in Figures 14 and 15, Applicants respectfully submit that no new matter is introduced by the new paragraphs.

Turning now to the outstanding Official Action, Applicants respectfully submit that the rejection of claims 3 and 7 under 35 U.S.C. §101 has been rendered moot by the cancellation of these claims and therefore respectfully request that this rejection be withdrawn.

The rejection of claims 1, 3-5, 7 and 8 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement has been carefully considered but is most respectfully traversed in light of the amendments to the specification.

The Official Action urges that the specification does not describe the claimed feature of "said connection portions extending horizontally along the entire side of the restoration tooth to which they extend from." Accordingly, Applicants have amended the specification to provide a description of Figures 14 and 15 which clearly supports the claimed feature. The new paragraphs describing Figures 14 and 15 set forth that the lateral connection portion 44' extends from the front side of the restoration tooth to the back side of the restoration tooth and further explain that the orientation of the lateral connection portion is horizontal with respect to a front view of the restoration tooth. Accordingly, Applicants respectfully submit that the specification now clearly describes all of the claimed features of the instant invention and therefore request that this rejection be withdrawn.

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With respect to Figures 14 and 15 and the newly added paragraphs, Applicants respectfully submit that there are no inaccuracies in Figures 14 and 15. It should first be noted that Figures 14 and 15 disclose a third embodiment of the present invention, and therefore only need to be consistent between the two figures in order to be considered accurate. It is erroneous to claim that Figures 14 and 15 are inaccurate because they are not consistent with embodiments of the invention shown in Figures 7-13. As is clearly stated in the specification, Figures 7-9 are drawn to a first embodiment described in the specification, Figures 10-13 are drawn to a second embodiment described in the specification, and Figures 14 and 15 are drawn to a third embodiment disclosed in the specification. Therefore, in determining whether Figures 14 and 15 contain inaccuracies, it is only necessary to compare the two Figures to each other to conduct such an analysis. Comparison of the Figures 14 and 15 clearly reveals that the Figures do not contain any inaccuracies.

Figure 14 clearly shows a top view of the third embodiment of the present invention wherein the lateral connection portion 44' extends from the front side of the restoration tooth 40' to the back side of the restoration tooth 40' (i.e., its depth). We also see in Figure 14 the line A-A. Figure 15 illustrates what the restoration tooth would like if the restoration tooth and abutment tooth were cut along this line and viewed from the direction the arrows point in Figure 14.

Figure 15 illustrates an abutment tooth 10 wherein the lateral connection portions 44' are "hugging" the sides (i.e., the front and back sides) of the abutment tooth. At the top surface of the lateral connection portions 44' shown in Figure 15, it is illustrated that the lateral connection portion is flat and has a certain width. This flat portion with a certain width corresponds to the C-shape that is shown in Figure 14.

Figure 15 also shows that the abutment tooth 10 extends beyond the left side of the lateral connection portion 44' and above the lateral connection portion 44'. This illustrates that the abutment tooth has a wider depth as we travel away from the restoration tooth and a taller height as we travel away from the restoration tooth. This is supported by Figure 14, where it can be seen that the abutment tooth 10 curves

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outwardly as we look from the right of the abutment tooth to the left of the abutment tooth. Accordingly, the portion of the abutment tooth extending to the left of the lateral connection portion 44' as shown in Figure 15 is merely illustrating that the depth of the abutment tooth is larger at the other end of the abutment tooth (i.e., the end not associated with the restoration tooth). The same holds true for the portion of the abutment tooth 10 shown in figure 15 that is above the lateral connection portion 44'. This merely shows that the height of the abutment tooth gets taller as we travel away from the restoration tooth. Accordingly, when one carefully examines Figures 14 and 15 together, it is evident that there are no inaccuracies in the Figures.

In light of the above comments, Applicants respectfully submit that not only are Figure 14 and 15 accurate illustrations of the claimed invention, but also that, upon a careful consideration of the drawings, clearly illustrate the features claimed in the instant application and described in the newly added paragraphs of the specification.

The rejection of claims 1, 3-5, 7 and 9 under 35 U.S.C. §103(a) as being unpatentable over Hruska has been carefully considered but is most respectfully traversed in light of the amendments to the application and the following comments.

The Official Action acknowledges that Hruska does not appear to show the connection portions extended horizontally along the entire surface of the restoration tooth. However, the Official Action then follows this statement with the seemingly inconsistent statement that it is assumed as understood that Hruska also shows the connection portions extend horizontally along the entire side of the restoration tooth, for example Figure 7A. Not only does this statement fail to make sense, but is also is factually inaccurate.

Applicants respectfully submit that, in view of the amendments to the specification and the above comments, it is now abundantly clear what is being claimed in the instant application. The lateral connection portions run from the front side of the restoration tooth to the back side of the restoration tooth (i.e., the depth of the restoration tooth) and therefore have a horizontal alignment (i.e., the lateral connection portion is roughly parallel with the top surface the restoration tooth). In light of this

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claimed configuration, it is abundantly clear that Hruska fails to disclose this element of the claimed invention.

The Official Action points to Figure 7A as disclosing a connection portion extending horizontally along the entire surface of the restoration tooth. However, a careful reading of the Hruska reveals that Figure 7A is an illustration of the invention taken from the side of the tooth, not the top of the tooth. That is to say, the welding surfaces 90 and 92 are arranged such that they are roughly perpendicular to the top surface of the tooth. In view of this orientation, Figure 7A depicts that the welding surfaces 90 and 92 extend from the bottom of the tooth to the top of the tooth, i.e., the welding surfaces are vertically oriented. Ultimately, the view provided by Figure 7A does not give any indication as to the depth of the welding surfaces, that is to say, whether they are equal to the depth of the teeth which they are attached to. In order to get this type of information, one must look to, e.g., Figure 2.

Looking at Figure 2, which is a top view of the invention disclosed in Hruska, we see that tabs 1 and 2 (which essentially correspond to welding surfaces 90 and 92) are thin strips of material that do not extend along the entire depth of the teeth to which they are attached. The tabs 1 and 2 are necessarily thin in width so that a tab 1 may be placed against a tab 2 and welded together. However, it is abundantly clear that the tabs 1 and 2 do not extend horizontally along the entire side, or depth, of the teeth from which they extend. Accordingly, Applicants respectfully submit that Hruska fails to disclose or suggest all the features of the claimed invention and therefore cannot properly support a §103 rejection according to the guidelines set forth in MPEP §2143. Therefore, Applicants respectfully request that this rejection be withdrawn.

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In view of the above comments and further amendments to the application, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
Scott A. Brairton
Registration No. 55,020

625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

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